

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

vs.

No. 2:03CR20019-006

NOE ESPIRITU

DEFENDANT

ORDER FOR REMISSION OF FINE

Now on this 17th day of May, 2011, comes on to be considered the United States' Petition for Remission of Fine (doc. 160). The Court, being well and sufficiently advised, finds and orders as follows with respect thereto:

1. On February 10, 2004, Defendant was sentenced to ninety-seven months incarceration, five years of supervised release with anticipated deportation, a \$100.00 special assessment and a \$3,000.00 fine. The United States collected a total of \$450.00 while the defendant was incarcerated in the Bureau of Prisons.

2. The United States moves to remit Defendant's fine pursuant to 18 U.S.C. § 3573, which provides:

Upon petition of the Government showing that reasonable efforts to collect a fine...

are not likely to be effective, the court may, in the interest of justice - -

1) remit all or part of the unpaid portion of the fine or special assessment, including interest and penalties. This statute shall apply to all fines and assessments, irrespective of the date of imposition."

3. The United States states that the Defendant was deported on June 28, 2010, and that there is no reasonable likelihood that

the fine can be collected.

4. Upon due consideration, the United States' Petition for Remission of Fine is hereby granted and Defendant's fine is remitted.

IT IS SO ORDERED.

/s/ Robert T. Dawson
HONORABLE ROBERT T. DAWSON
UNITED STATES DISTRICT JUDGE